IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

JUDGMENT

S.B.Civil Writ Petition No.118/2003

Ravi Narain Purohit and another.

vs.

State of Raj. and others.

Date : 11.7.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.Pankaj Sharma, for the petitioner.
Mr.Manish Shishodia, for the respondents.

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BY THE COURT :

Heard learned counsel for the parties.

The petitioners' grievance is that they applied for allotment of the house under the Self Finance Scheme, 2000 (for short 'Scheme of 2000') floated by the respondent Rajasthan Housing Board for allotment of the house. They were not allotted the house in the Scheme of 2000 and in the year 2002, Rajasthan Housing Board floated another scheme which is known as

Registered/Unregistered Applicants Self Finance Yojna, 2002 (for short 'Scheme of 2002'). In Clause 4.1 of the Scheme of 2002, it is clearly mentioned that the applicants who have not been allotted the house in self financial scheme, may they be registered or unregistered applicants, shall be entitled to opt for allotment of the house in the Scheme of 2002.

Learned counsel for the petitioners submitted that as per Clause No.4.5, the petitioners being applicants in the earlier scheme could have opted for a step up for getting bigger house. The petitioners applied for treating their application under the Scheme of 2002 and he deposited the requisite amount also but the petitioners' entitlement was not considered by the Rajasthan Housing Board, therefore, direction be issued to consider and allot the house to the petitioners in the Scheme of 2002.

The respondents submitted reply to writ petition and submitted that the Scheme of 2000 is entirely separate scheme and Scheme of 2002 is a different scheme. In the Scheme of 2002, there is a reference of registered and unregistered applicants. The registered and unregistered applicants are under the GRS Scheme wherein the applicants are given certificate of registration and in that scheme, there are two

categories – one registered applicant and another unregistered applicant. The respondents have placed on record a sample copy of certificate of registration in the GRS Scheme as Annex.R/1. It is submitted that the petitioners' candidature was considered as unregistered applicant in the Scheme of 2000 and they were not allotted the house after consideration as they were not coming in the merit.

I considered the submission of learned counsel for the parties and perused the facts of the case.

It is clear from the Scheme of 2000 that it is a scheme named as Self Finance Scheme, 2000 whereas the Scheme of 2002 has the title as Registered/Unregistered Applicants Self Finance Yojna, 2002. It is not in dispute that the petitioner was never issued a certificate of registration under the scheme. Clause 4.5 of the Scheme of 2002 clearly provides that a registered applicant could have applied for stepping up for getting the house. In Clause 4.5, it is not provided that the unregistered applicant could have opted for a house in the higher income group.

So far as contention of learned counsel for the petitioners that the respondent accepted the amount from the petitioners and, therefore, they are entitled

for house under the Scheme of 2002 because of the reason that there are rules framed for allotment of the house under the Scheme of 2002. Even if the respondents have accepted the amount wrongly from the petitioners, then the petitioners, at the most, can be entitled to refund of the amount. The amount has already been offered to the petitioners.

In view of the above, I do not find any merit in this writ petition and the same is hereby dismissed.

(PRAKASH TATIA), J.

S.Phophaliya